

I certify that the attached is a true and correct copy of ly 91, which was filed of record on MAR 10 1983 and referred to the committee on: County Affairs

1983 APR -8 PM 1:13  
HOUSE OF REPRESENTATIVES

Betsy Munson  
Chief Clerk of the House

By S. Nason

ly 91  
J.R. No. 91

FILED

MAR 10 1983

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize fewer justice of  
2 the peace and constable precincts in certain counties.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article V, Section 18, of the Texas  
5 Constitution be amended to read as follows:

6 Sec. 18. (a) Each [organized] county in the State with a  
7 population of 30,000 or more, according to the most recent federal  
8 census, [~~new-or-hereafter-existing~~] shall be divided from time to  
9 time, for the convenience of the people, into [precincts] not less  
10 than four and not more than eight precincts. Each county in the  
11 State with a population of 30,000 or less, according to the most  
12 recent federal census, from time to time, for the convenience of  
13 the people, shall be designated as a single precinct or, if the  
14 Commissioners Court determines that the county needs more than one  
15 precinct, shall be divided into not more than four precincts. The  
16 division or designation [Divisions] shall be made by the  
17 Commissioners Court provided for by this Constitution. In each  
18 such precinct there shall be elected one Justice of the Peace and  
19 one Constable, each of whom shall hold his office for four years  
20 and until his successor shall be elected and qualified; provided  
21 that in any precinct in which there may be a city of 8,000 or more  
22 inhabitants, there shall be elected two Justices of the Peace.

23 (b) Each county shall, in the [like] manner provided for  
24 justice of the peace and constable precincts, be divided into four

1 commissioners precincts in each of which there shall be elected by  
2 the qualified voters thereof one County Commissioner, who shall  
3 hold his office for four years and until his successor shall be  
4 elected and qualified. The County Commissioners so chosen, with  
5 the County Judge as presiding officer, shall compose the County  
6 Commissioners Court, which shall exercise such powers and  
7 jurisdiction over all county business, as is conferred by this  
8 Constitution and the laws of the State, or as may be hereafter  
9 prescribed.

10 (c) When the boundaries of justice of the peace and  
11 constable precincts are changed, each Justice and Constable in  
12 office on the effective date of the change, or elected to a term of  
13 office beginning on or after the effective date of the change,  
14 shall serve in the precinct in which the person resides for the  
15 term to which each was elected or appointed, even though the change  
16 in boundaries places the person's residence outside the precinct  
17 for which he was elected or appointed, abolishes the precinct for  
18 which he was elected or appointed, or temporarily results in extra  
19 Justices or Constables serving in a precinct. When, as a result of  
20 a change of precinct boundaries, a vacancy occurs in the office of  
21 Justice of the Peace or Constable, the Commissioners Court shall  
22 fill the vacancy by appointment until the next general election.

23 (d) When the boundaries of commissioners precincts are  
24 changed, each commissioner in office on the effective date of the  
25 change, or elected to a term of office beginning on or after the  
26 effective date of the change, shall serve in the precinct to which  
27 each was elected or appointed for the entire term to which each was

1 elected or appointed, even though the change in boundaries places  
2 the person's residence outside of the precinct for which he was  
3 elected or appointed.

4 SECTION 2. That the following temporary provision be added  
5 to the Texas Constitution:

6 TEMPORARY PROVISION. The constitutional amendment proposed  
7 by \_\_\_\_ J.R. No. \_\_\_\_, 68th Legislature, Regular Session, 1983,  
8 takes effect January 1, 1985. This provision expires when  
9 executed.

10 SECTION 3. This proposed constitutional amendment shall be  
11 submitted to the voters at an election to be held on November 6,  
12 1984. The ballot shall be printed to provide for voting for or  
13 against the proposition: "The constitutional amendment to  
14 authorize fewer justice of the peace and constable precincts in  
15 counties with a population of 30,000 or less."

Geistweidt

Robinson

Buchanan

Dickerson

Coelkett

B. Barton

CARRIKER

By D. Harrison

H J.R. No. 91

A-JOINT RESOLUTION

1 proposing a constitutional amendment to authorize fewer justice of  
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9 time, for the convenience of the people, into [precincts] not less  
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12 recent federal census, from time to time, for the convenience of  
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16 division or designation [~~Divisions~~] shall be made by the  
17 Commissioners Court provided for by this Constitution. In each  
18 such precinct there shall be elected one Justice of the Peace and  
19 one Constable, each of whom shall hold his office for four years  
20 and until his successor shall be elected and qualified; provided  
21 that in any precinct in which there may be a city of 8,000 or more  
22 inhabitants, there shall be elected two Justices of the Peace.

23 (b) Each county shall, in the [like] manner provided for  
24 justice of the peace and constable precincts, be divided into four

# HOUSE COMMITTEE REPORT

1st Printing

By Harrison of Terrell, et al.

H.J.R. No. 91

Substitute the following for H.J.R. No. 91:

By Buchanan

C.S.H.J.R. No. 91

## A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize fewer justice of  
2 the peace and constable precincts in certain counties.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article V, Section 18, of the Texas  
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6 Sec. 18. (a) Each ~~[organized]~~ county in the State with a  
7 population of 30,000 or more, according to the most recent federal  
8 census, ~~[new-or-hereafter-existing, shall-be-divided]~~ from time to  
9 time, for the convenience of the people, shall be divided into  
10 ~~[precincts,]~~ not less than four and not more than eight precincts.  
11 Each county in the State with a population of 18,000 or more but  
12 less than 30,000, according to the most recent federal census, from  
13 time to time, for the convenience of the people, shall be divided  
14 into not less than two and not more than four precincts. Each  
15 county in the State with a population of less than 18,000,  
16 according to the most recent federal census, from time to time, for  
17 the convenience of the people, shall be designated as a single  
18 precinct or, if the Commissioners Court determines that the county  
19 needs more than one precinct, shall be divided into not more than  
20 four precincts. The division or designation ~~[Divisions]~~ shall be  
21 made by the Commissioners Court provided for by this Constitution.  
22 In each such precinct there shall be elected one Justice of the  
23 Peace and one Constable, each of whom shall hold his office for  
24 four years and until his successor shall be elected and qualified;

provided that in any precinct in which there may be a city of 18,000 [8,000] or more inhabitants, there shall be elected two Justices of the Peace.

(b) Each county shall, in the ~~like~~ manner provided for justice of the peace and constable precincts, be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

(c) When the boundaries of justice of the peace and constable precincts are changed, each Justice and Constable in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve in the precinct in which the person resides for the term to which each was elected or appointed, even though the change in boundaries places the person's residence outside the precinct for which he was elected or appointed, abolishes the precinct for which he was elected or appointed, or temporarily results in extra Justices or Constables serving in a precinct. When, as a result of a change of precinct boundaries, a vacancy occurs in the office of Justice of the Peace or Constable, the Commissioners Court shall fill the vacancy by appointment until the next general election.

1        (d) When the boundaries of commissioners precincts are  
2 changed, each commissioner in office on the effective date of the  
3 change, or elected to a term of office beginning on or after the  
4 effective date of the change, shall serve in the precinct to which  
5 each was elected or appointed for the entire term to which each was  
6 elected or appointed, even though the change in boundaries places  
7 the person's residence outside the precinct for which he was  
8 elected or appointed.

9        SECTION 2. That the following temporary provision be added  
10 to the Texas Constitution:

11        TEMPORARY PROVISION. (a) The amendment of Article V,  
12 Section 18, of the Texas Constitution proposed by the 68th  
13 Legislature, Regular Session, authorizing fewer justice of the  
14 peace and constable precincts in certain counties, takes effect  
15 January 1, 1984.

16        (b) A county that has a population of less than 30,000,  
17 according to the 1980 federal census, and that has more than four  
18 justice of the peace and constable precincts on January 1, 1984,  
19 may keep that number of precincts until January 1, 1987. On and  
20 after January 1, 1987, the county must have a number of justice of  
21 the peace and constable precincts authorized by Article V, Section  
22 18, of the Texas Constitution.

23        (c) This provision expires January 2, 1987.

24        SECTION 3. This proposed constitutional amendment shall be  
25 submitted to the voters at an election to be held on November 8,  
26 1983. The ballot shall be printed to provide for voting for or  
27 against the proposition: "The constitutional amendment authorizing

1 fewer justice of the peace and constable precincts in counties with  
2 a population of less than 30,000 and providing for continuous  
3 service by justices of the peace, constables, and county  
4 commissioners when precinct boundaries are changed."



COMMITTEE REPORT

4-20-83

(date)

The Honorable Gib Lewis  
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON COUNTY AFFAIRS, to whom was referred HR 91 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ☒ ) do pass, without amendment.  
( ☐ ) do pass, with amendment(s).  
( ☒ ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ( ☒ ) yes ( ☐ ) no

An author's fiscal statement was requested. ( ☐ ) yes ( ☒ ) no

An actuarial analysis was requested. ( ☐ ) yes ( ☒ ) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure ( ☒ ) proposes new law. *an amendment to the Constitution.*  
( ☒ ) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Thompson, G., Ch.	<input checked="" type="checkbox"/>			
Buchanan, V.C.	<input checked="" type="checkbox"/>			
Whaley, C.B.O.	<input checked="" type="checkbox"/>			
Barton, B.	<input checked="" type="checkbox"/>			
Carriker	<input checked="" type="checkbox"/>			
Cary	<input checked="" type="checkbox"/>			
Clemons	<input checked="" type="checkbox"/>			
Crockett	<input checked="" type="checkbox"/>			
Eckels	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			
Martinez, W.	<input checked="" type="checkbox"/>			
Parker	<input checked="" type="checkbox"/>			
Shaw	<input checked="" type="checkbox"/>			
Wieting	<input checked="" type="checkbox"/>			
Word	<input checked="" type="checkbox"/>			

Total  
15 aye  
0 nay  
0 present, not voting  
0 absent

*Harry Thompson*  
CHAIRMAN  
*Phynolds*  
COMMITTEE COORDINATOR

## BILL ANALYSIS

Committee Substitute House Joint Resolution 91

By: Dudley Harrison

### Background Information:

The State Constitution provides in Article V, Section 18, that the Commissioners Court shall divide each county into not less than 4 and not more than 8 precincts, and that in each precinct there shall be elected one Justice of the Peace and at least one Constable, regardless of the size, population, or need. Being required to have 4 Justices of the Peace and 4 Constables in small rural counties causes undue financial burdens on the local taxpayers. Actually, some 105 less-populous counties have failed to comply with the Constitution due to lack of election or qualification of Justices of the Peace and Constables. However, recently some counties are being forced to carry out the letter of the law, causing problems for county budgets.

### Purpose:

C. S. H. J. R. 91 proposes a constitutional amendment to authorize fewer Justice of the Peace and Constable precincts in certain counties.

### Section by Section Analysis:

Section 1. Amends Article V, Section 18, of the Texas Constitution. (a). Each county in the State with a population of 30,000 or more shall be divided into not less than four and not more than eight precincts. Each county in the State with a population of 30,000 or less shall be designated as a single precinct, or if the Commissioners Court determines that the county needs more than one precinct, it shall be designated into not more than four precincts. The division shall be made by the Commissioners Court provided for by this Constitution. In each precinct there shall be elected one Justice of the Peace and one Constable, who shall hold his office for four years. In any precinct in which there is a city of 18,000 or more, two Justices of the Peace shall be elected. (b). Each county shall be divided into four Commissioners precincts. (c). When the boundaries of Justice of the Peace and Constable precincts are changed, each Justice and Constable shall serve in the precinct in which the person resides for the term to which each was elected or appointed. (d). When the boundaries of Commissioners precincts are changed, each Commissioner shall serve in the precinct to which each was elected or appointed for the entire term to which each was elected or appointed, even though the change in boundaries places the person's residence outside of the precinct.

Section 2. Temporary provision. (a). This amendment takes effect January 1, 1984. (b). A county that has a population of less than 30,000 and that has more than four justice of the peace and constable precincts on January 1, 1984 may keep that number of precincts until January 1, 1987. On or after January 1, 1987, the county must have a number of justice of the peace and constable precincts authorized by the Constitution. (c). This provision expires January 2, 1987.

Section 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983.

### Rulemaking:

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department or institution.

### Summary of Committee Action:

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on April 20, 1983.

On April 20, 1983 the full committee voted to report C. S. H. J. R. 91 to the House without amendments and the recommendation that it do pass by a record vote of 15 ayes and 0 nays.

Mr. James Paschall, Chief Deputy Constable from Dallas, Texas testified in favor of C.S.H.J.R. 91. No witnesses testified against C.S.H.J.R. 91.

Comparison of Original Bill to Substitute:

C.S.H.J.R. 91 is amended by changing the population level of 8,000 to 18,000 for having two justice of the peace precincts. The temporary provision of the bill is changed, allowing the amendment to take effect January 1, 1984. The provision expires on January 2, 1987 under the substitute. The election date of this proposed constitutional amendment was changed to November 8, 1983 under the substitute.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 21, 1983

Honorable Gary Thompson, Chair  
Committee on County Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Joint Resolution No. 91

Sir:

In response to your request for a Fiscal Note on the Committee Substitute for House Joint Resolution No. 91 (proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,748.

  
Jim Oliver  
Director

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JH, KH, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 12, 1983

Honorable Gary Thompson, Chair  
Committee on County Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 91  
By: D. Harrison

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 91 (proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties) this office has determined the following:

No significant fiscal implication to the State is anticipated.

The cost of publication of this resolution is \$55,748.

Some savings might result for units of local government related to fewer required precincts and a reduction in the number of constables and justices of the peace.

  
Jim Oliver  
Director

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JH, KH, PA

**ADOPTED**

*as amended*

MAY 3 1983

*Betty Murray*  
Chief Clerk  
House of Representatives

By Harrison of Terrell

H.J.R. No. 91

Substitute the following for H.J.R. No. 91:

By *J. W. Bushman*

C.S.H.J.R. No. 91

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8 census, ~~[new-or-hereafter-existing, shall-be-divided]~~ from time to  
9 time, for the convenience of the people, shall be divided into  
10 ~~[precincts,]~~ not less than four and not more than eight precincts.  
11 Each county in the State with a population of 18,000 or more but  
12 less than 30,000, according to the most recent federal census, from  
13 time to time, for the convenience of the people, shall be divided  
14 into not less than two and not more than four precincts. Each  
15 county in the State with a population of less than 18,000,  
16 according to the most recent federal census, from time to time, for  
17 the convenience of the people, shall be designated as a single  
18 precinct or, if the Commissioners Court determines that the, county  
19 needs more than one precinct, shall be divided into not more than  
20 four precincts. The division or designation ~~[Divisions]~~ shall be  
21 made by the Commissioners Court provided for by this Constitution.  
22 In each such precinct there shall be elected one Justice of the  
23 Peace and one Constable, each of whom shall hold his office for  
24 four years and until his successor shall be elected and qualified;

1 provided that in any precinct in which there may be a city of  
2 18,000 [8,000] or more inhabitants, there shall be elected two  
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4 (b) Each county shall, in the [like] manner provided for  
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6 commissioners precincts in each of which there shall be elected by  
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10 the County Judge as presiding officer, shall compose the County  
11 Commissioners Court, which shall exercise such powers and  
12 jurisdiction over all county business, as is conferred by this  
13 Constitution and the laws of the State, or as may be hereafter  
14 prescribed.

15 (c) When the boundaries of justice of the peace and  
16 constable precincts are changed, each Justice and Constable in  
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16        (b) A county that has a population of less than 30,000,  
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23        (c) This provision expires January 2, 1987.

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C.S.H.J.R. No. 91

1 fewer justice of the peace and constable precincts in counties with  
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# ADOPTED

MAY 3 1983

*Betty Murray*  
Chief Clerk  
House of Representatives

to C.S.H.J.R. 91

AMENDMENT NO. 1

BY *Robinson*

- 1 Amend C.S.H.J.R. 91 as follows:
- 2 (1) On page 1, line 14, strike "four" and substitute
- 3 <sup>five</sup>  
"eight".
- 4 ~~(2) On page 3, line 16, strike "30,000" and substitute~~
- 5 ~~"18,000".~~

100 MAY -3 PM 3:23

# HOUSE ENGROSSMENT

By Harrison of Terrell, et al.

H.J.R. No. 91

## A JOINT RESOLUTION

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# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 21, 1983

Honorable Gary Thompson, Chair  
Committee on County Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Joint Resolution No. 91

Sir:

In response to your request for a Fiscal Note on the Committee Substitute for House Joint Resolution No. 91 (proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties) this office has determined the following:

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The cost of publication of this resolution is \$55,748.



Jim Oliver  
Director

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JH, KH, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 12, 1983

Honorable Gary Thompson, Chair  
Committee on County Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 91  
By: D. Harrison

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 91 (proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties) this office has determined the following:

No significant fiscal implication to the State is anticipated.

The cost of publication of this resolution is \$55,748.

Some savings might result for units of local government related to fewer required precincts and a reduction in the number of constables and justices of the peace.

  
Jim Oliver  
Director

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JH, KH, PA



1 By: Harrison of Terrell, et al. (Senate Sponsor-Sims) H.J.R. No. 91  
2 (In the Senate - Received from the House May 4, 1983;  
3 May 5, 1983, read first time and referred to Committee on  
4 Intergovernmental Relations; May 16, 1983, reported favorably;  
5 May 16, 1983, sent to printer.)

6 A JOINT RESOLUTION

7 proposing a constitutional amendment to authorize fewer justice of  
8 the peace and constable precincts in certain counties.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 SECTION 1. That Article V, Section 18, of the Texas  
11 Constitution be amended to read as follows:

12 Sec. 18. (a) Each ~~[organized]~~ county in the State with a  
13 population of 30,000 or more, according to the most recent federal  
14 census, ~~[now-or-hereafter-existing, shall-be-divided]~~ from time to  
15 time, for the convenience of the people, shall be divided into  
16 ~~[precincts,]~~ not less than four and not more than eight precincts.  
17 Each county in the State with a population of 18,000 or more but  
18 less than 30,000, according to the most recent federal census, from  
19 time to time, for the convenience of the people, shall be divided  
20 into not less than two and not more than five precincts. Each  
21 county in the State with a population of less than 18,000,  
22 according to the most recent federal census, from time to time, for  
23 the convenience of the people, shall be designated as a single  
24 precinct or, if the Commissioners Court determines that the county  
25 needs more than one precinct, shall be divided into not more than  
26 four precincts. The division or designation ~~[Divisions]~~ shall be  
27 made by the Commissioners Court provided for by this Constitution.  
28 In each such precinct there shall be elected one Justice of the  
29 Peace and one Constable, each of whom shall hold his office for  
30 four years and until his successor shall be elected and qualified;  
31 provided that in any precinct in which there may be a city of  
32 18,000 ~~[8,000]~~ or more inhabitants, there shall be elected two  
33 Justices of the Peace.

34 (b) Each county shall, in the ~~[like]~~ manner provided for  
35 justice of the peace and constable precincts, be divided into four  
36 commissioners precincts in each of which there shall be elected by  
37 the qualified voters thereof one County Commissioner, who shall  
38 hold his office for four years and until his successor shall be  
39 elected and qualified. The County Commissioners so chosen, with  
40 the County Judge as presiding officer, shall compose the County  
41 Commissioners Court, which shall exercise such powers and  
42 jurisdiction over all county business, as is conferred by this  
43 Constitution and the laws of the State, or as may be hereafter  
44 prescribed.

45 (c) When the boundaries of justice of the peace and  
46 constable precincts are changed, each Justice and Constable in  
47 office on the effective date of the change, or elected to a term of  
48 office beginning on or after the effective date of the change,  
49 shall serve in the precinct in which the person resides for the  
50 term to which each was elected or appointed, even though the change  
51 in boundaries places the person's residence outside the precinct  
52 for which he was elected or appointed, abolishes the precinct for  
53 which he was elected or appointed, or temporarily results in extra  
54 Justices or Constables serving in a precinct. When, as a result of  
55 a change of precinct boundaries, a vacancy occurs in the office of  
56 Justice of the Peace or Constable, the Commissioners Court shall  
57 fill the vacancy by appointment until the next general election.

58 (d) When the boundaries of commissioners precincts are  
59 changed, each commissioner in office on the effective date of the  
60 change, or elected to a term of office beginning on or after the  
61 effective date of the change, shall serve in the precinct to which  
62 each was elected or appointed for the entire term to which each was  
63 elected or appointed, even though the change in boundaries places  
64 the person's residence outside the precinct for which he was  
65 elected or appointed.

66 SECTION 2. That the following temporary provision be added  
67 to the Texas Constitution:

68 TEMPORARY PROVISION. (a) The amendment of Article V,

Section 18, of the Texas Constitution proposed by the 68th Legislature, Regular Session, authorizing fewer justice of the peace and constable precincts in certain counties, takes effect January 1, 1984.

(b) A county that has a population of less than 30,000, according to the 1980 federal census, and that has more than four justice of the peace and constable precincts on January 1, 1984, may keep that number of precincts until January 1, 1987. On and after January 1, 1987, the county must have a number of justice of the peace and constable precincts authorized by Article V, Section 18, of the Texas Constitution.

(c) This provision expires January 2, 1987.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing fewer justice of the peace and constable precincts in counties with a population of less than 30,000 and providing for continuous service by justices of the peace, constables, and county commissioners when precinct boundaries are changed."

\* \* \* \* \*

Austin, Texas  
May 16, 1983

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was referred H.J.R. No. 91, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Traeger, Chairman

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

April 21, 1983

Honorable Gary Thompson, Chair  
Committee on County Affairs  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Joint Resolution No. 91

Sir:

In response to your request for a Fiscal Note on the Committee Substitute for House Joint Resolution No. 91 (proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,748.

  
Jim Oliver  
Director

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JH, KH, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 12, 1983

Honorable Gary Thompson, Chair  
Committee on County Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 91  
By: D. Harrison

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 91 (proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties) this office has determined the following:

No significant fiscal implication to the State is anticipated.

The cost of publication of this resolution is \$55,748.

Some savings might result for units of local government related to fewer required precincts and a reduction in the number of constables and justices of the peace.

  
Jim Oliver  
Director

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JH, KH, PA

ENROLLED

H.J.R. No. 91

A JOINT RESOLUTION

proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V, Section 18, of the Texas Constitution be amended to read as follows:

Sec. 18. (a) Each ~~organized~~ county in the State with a population of 30,000 or more, according to the most recent federal census, ~~[new-or-hereafter-existing,--shall-be-divided]~~ from time to time, for the convenience of the people, shall be divided into ~~[precincts,]~~ not less than four and not more than eight precincts. Each county in the State with a population of 18,000 or more but less than 30,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than two and not more than five precincts. Each county in the State with a population of less than 18,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be designated as a single precinct or, if the Commissioners Court determines that the county needs more than one precinct, shall be divided into not more than four precincts. The division or designation ~~[Divisions]~~ shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified;

1 provided that in any precinct in which there may be a city of  
2 18,000 [8,000] or more inhabitants, there shall be elected two  
3 Justices of the Peace.

4 (b) Each county shall, in the [like] manner provided for  
5 justice of the peace and constable precincts, be divided into four  
6 commissioners precincts in each of which there shall be elected by  
7 the qualified voters thereof one County Commissioner, who shall  
8 hold his office for four years and until his successor shall be  
9 elected and qualified. The County Commissioners so chosen, with  
10 the County Judge as presiding officer, shall compose the County  
11 Commissioners Court, which shall exercise such powers and  
12 jurisdiction over all county business, as is conferred by this  
13 Constitution and the laws of the State, or as may be hereafter  
14 prescribed.

15 (c) When the boundaries of justice of the peace and  
16 constable precincts are changed, each Justice and Constable in  
17 office on the effective date of the change, or elected to a term of  
18 office beginning on or after the effective date of the change,  
19 shall serve in the precinct in which the person resides for the  
20 term to which each was elected or appointed, even though the change  
21 in boundaries places the person's residence outside the precinct  
22 for which he was elected or appointed, abolishes the precinct for  
23 which he was elected or appointed, or temporarily results in extra  
24 Justices or Constables serving in a precinct. When, as a result of  
25 a change of precinct boundaries, a vacancy occurs in the office of  
26 Justice of the Peace or Constable, the Commissioners Court shall  
27 fill the vacancy by appointment until the next general election.

1        (d) When the boundaries of commissioners precincts are  
2 changed, each commissioner in office on the effective date of the  
3 change, or elected to a term of office beginning on or after the  
4 effective date of the change, shall serve in the precinct to which  
5 each was elected or appointed for the entire term to which each was  
6 elected or appointed, even though the change in boundaries places  
7 the person's residence outside the precinct for which he was  
8 elected or appointed.

9        SECTION 2. That the following temporary provision be added  
10 to the Texas Constitution:

11        TEMPORARY PROVISION. (a) The amendment of Article V,  
12 Section 18, of the Texas Constitution proposed by the 68th  
13 Legislature, Regular Session, authorizing fewer justice of the  
14 peace and constable precincts in certain counties, takes effect  
15 January 1, 1984.

16        (b) A county that has a population of less than 30,000,  
17 according to the 1980 federal census, and that has more than four  
18 justice of the peace and constable precincts on January 1, 1984,  
19 may keep that number of precincts until January 1, 1987. On and  
20 after January 1, 1987, the county must have a number of justice of  
21 the peace and constable precincts authorized by Article V, Section  
22 18, of the Texas Constitution.

23        (c) This provision expires January 2, 1987.

24        SECTION 3. This proposed constitutional amendment shall be  
25 submitted to the voters at an election to be held on November 8,  
26 1983. The ballot shall be printed to provide for voting for or  
27 against the proposition: "The constitutional amendment authorizing

H.J.R. No. 91

1 fewer justice of the peace and constable precincts in counties with  
2 a population of less than 30,000 and providing for continuous  
3 service by justices of the peace, constables, and county  
4 commissioners when precinct boundaries are changed."



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 91 was passed by the House on May 3, 1983, by the following vote: Yeas 134, Nays 5, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.J.R. No. 91 was passed by the Senate on May 19, 1983, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

RECEIVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

## HOUSE JOINT RESOLUTION

proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties.

MAR 10 1983

1. Filed with the Chief Clerk.

MAR 17 1983

2. Read first time and referred to Committee on

County of Alameda4-20-833. Reported favorably <sup>(as amended)</sup>  
(as substituted) and sent to Printer at5:10 pm APR 21 1983APR 22 1983

4. Printed and distributed at

9:52 amAPR 22 1983

5. Sent to Committee on Calendars at

10:06 amMAY 3 19836. Read second time <sup>as substituted</sup>  
(amended) and (finally) passed ~~to Third Reading~~ by a Record Vote of 134 yeas, 5 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 3 1983

11. Ordered Engrossed at

12:32 pmMAY 3 1983

12. Engrossed.

MAY 3 1983

13. Returned to Chief Clerk at

3:23 pmMAY 4 1983

14. Sent to the Senate.

Betty Murray  
Chief Clerk of the HouseMAY 4 1983

15. Received from the House

MAY 5 198316. Read, referred to Committee on INTERGOVERNMENTAL RELATIONSMAY 16 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 19 1983

20. Regular order of business suspended by

unanimous  
(a viva voce vote.) consent

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 19 1983

22. Read second time

passed to third reading by:  
(a viva voce vote.)  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

23. Caption ordered amended to conform to body of bill.

MAY 19 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 90 yeas,  
1 nays to place bill on third reading and final passage.

MAY 19 1983

25. Read third time and passed by

(~~to viva voce vote~~)  
(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

*Betty King*

Secretary of the Senate

5-19-83

26. Returned to the House.

MAY 19 1983

27. Received from the Senate (with amendments.)  
(as substituted.)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 19 1983

31. Ordered Enrolled at

12:00 noon

HOUSE OF REPRESENTATIVES  
1983 APR 22 AM 9:52  
1983 MAY -3 PM 3:23

CH

16R